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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NORKUS ENTERPRISES, INC.,

Plaintiff,

-v.-

GETTY OIL COMPANY, INC., ET AL.,

Defendants.

Civil Action No. 04-04437

**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed.R.Civ.P. 16-26(f).

1. This case is not to be tried to a jury.
2. Joinder of additional parties to be accomplished by August 7, 2006.
3. Amended pleadings may be filed without leave of the Court until August 7, 2006.
4. Initial disclosures pursuant to Fed R. Civ.P. 26(a)(1) are to be served no later than June 2, 2006.
5. All fact discovery is to be completed no later than September 16, 2006.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by June 19, 2006.
 - b. Interrogatories to be served by all parties by June 19, 2006.
 - c. Depositions to be completed by July 31, 2006.
 - i. Depositions of all parties shall proceed during the same time.

- ii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
- d. Requests to Admit to be served no later than July 1, 2006.
- 7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2),(3) and 35(b), is to be completed by:
 - a. Plaintiff's expert discovery concludes on August 16, 2006.
 - b. Defendants' expert discovery concludes on September 6, 2006.
- 8. Contemplated motions:
 - a. Plaintiff: Motion for Summary Judgment
 - b. Defendant: Motion to Reopen Bankruptcy and Motion for Summary Judgment
- 9. Following all discovery, all counsel will meet to discuss settlement no later than September 22, 2006.
- 10. The parties do not consent to trial by a Magistrate Judge.

TO BE COMPLETED BY THE COURT:

- 11. The next Case Management Conference is scheduled for 9-22-06 at 5:00 p.m.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the joint pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any disparities motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York
19 May 2006


Victor Marrero, U.S.D.J.